

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION

FRANKLIN L. WILLIAMS,

Plaintiff,

vs.

RONNIE H. McQUAIG,

Defendant.

CIVIL ACTION NO.: CV508-096

**ORDER**

After an independent and *de novo* review, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Plaintiff contends he filed his cause of action pursuant to 28 U.S.C. § 1443, a statute which ostensibly permits him, as a plaintiff, to file a notice of removal in federal court. Despite Plaintiff's contention, section 1443 only permits a defendant to remove a civil action or criminal prosecution "commenced in State court". 28 U.S.C. § 1443.

Plaintiff's Objections are without merit. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Plaintiff's action is **REMANDED** to the Ware County Superior Court. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 29 day of May, 2009.

  
HONORABLE LISA GODBEY WOOD  
UNITED STATES DISTRICT JUDGE